

Appl. No. : 09/846777
Filed : May 1, 2001

REMARKS

Claims 1-19 and 69-72 are pending. Claims 20-68 were previously cancelled without prejudice. Claims 1-, 10-11, and 18 have been amended. New claims 69-72 have been added. Support for the amendment and new claims is found in the specification and claims as filed.

Rejection under 35 USC § 102(b)

In the Office Action, Claims 1-19 were rejected under 35 USC § 102(b), as anticipated by U.S. Patent No. 4,973,382 ("Kinn et al."). "A rejection for anticipation under section 102 requires that each and every limitation of the claimed invention be disclosed in a single prior art reference." *See, e.g., In re Paulsen*, 31 U.S.P.Q.2d 1671 (Fed. Cir. 1994). Kinn et al. does not disclose every element of Applicants' pending claims, and therefore cannot be considered as an anticipating reference under 35 U.S.C. § 102(b).

The pending independent claim recites a "cast polymer membrane mesh." As appreciated by one skilled in the art, a cast membrane is integral and does not comprise dissimilar fiber components. Kinn et al. only discloses a filtration fabric produced by a wet laid process, the fabric consisting of a plurality of fiber components of dissimilar denier and length which are evenly intermingled and boded together in a sheet. Accordingly, Applicants respectfully request that the anticipation rejection of Claims 1-19 be withdrawn.

Claim Rejections - 35 U.S.C. § 103(a)

Claims 1-19 have been rejected under 35 U.S.C. §103(a) as obvious over U.S. Patent No. 6,146,747 ("Wang et al.") in view of U.S. Patent No. 5,869,174 ("Wang"). To articulate a *prima facie* case of obviousness under 35 U.S.C. §103(a), the PTO must, *inter alia*, cite prior art that teaches or suggests all the claimed limitations. *In re Royka*, 490 F.2d 981 (C.C.P.A. 1974). Wang et al. and Wang do not disclose every element of Applicants' claims, and therefore do not render obvious Applicants' claims.

The pending independent claim recites a cast polymer membrane mesh wherein, *inter alia*, "the pores of the first surface have an average pore diameter of greater than 30 μm , and wherein the pores of the second surface have an average pore diameter of greater than about 30 μm ". Wang et al. discloses a membrane wherein the pores of one surface (the microporous surface with minimum pores) are from about 0.01 μm to about 8.0 μm in diameter, and the pores

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of the other surface are preferably from about 0.05 to about 50 μm in diameter. Wang discloses a membrane wherein the pores of one surface (the skin pores) are from about 0.001 micron to about 20 microns in diameter, and the pores of the other surface are from about 50 to about 10000 time the diameter of the skin pores. Accordingly, neither reference discloses a membrane wherein both surfaces have an average pore diameter of greater than about 30 μm . Accordingly, Applicants respectfully request that the rejection be withdrawn.

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CONCLUSION

The Applicant has endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. Any claim amendments which are not specifically discussed in the above remarks are made in order to improve the clarity of claim language, to correct grammatical mistakes or ambiguities, and to otherwise improve the capacity of the claims to particularly and distinctly point out the invention to those of skill in the art. In light of the above amendments and remarks, reconsideration and withdrawal of the outstanding rejections is respectfully requested. If the Examiner finds any remaining impediment to the prompt allowance of these claims that could be clarified with a telephone conference, the Examiner is respectfully requested to initiate the same with the undersigned.

Respectfully submitted,

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